

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION**

)
) **MDL No. 2:18-mn-2873-RMG**
)
) **This Document Relates To:**
) *Tyco Fire Prods. LP v. AIU Ins. Co., et al.*
) **Civil Action No. 2:23-cv-02384-RMG**
)

**DEFENDANTS AIU INSURANCE COMPANY, AMERICAN HOME ASSURANCE
COMPANY, INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA,
NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA.,
AND NEW HAMPSHIRE INSURANCE COMPANY'S NOTICE OF MOTION AND
MOTION TO DISMISS TYCO FIRE PRODUCTS, LP'S COMPLAINT**

NOTICE OF MOTION AND MOTION TO DISMISS

To:

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Via E-filing and courtesy email

-and-

Counsel of Record for all parties who have made an appearance, through e-filing.

PLEASE TAKE NOTICE that, pursuant to Rules 12(b)(1), (2), and (6) of the Federal Rules of Civil Procedure, and S.C. Code Ann. § 15-5-150, upon their memorandum of law, and the accompanying declaration of Christian Stegmaier, dated July 31, 2023, and the exhibits annexed thereto, and all prior papers and proceedings filed heretofore in this action, Defendants AIU Insurance Company, American Home Assurance Company, Insurance Company of the State of Pennsylvania, National Union Fire Insurance Company of Pittsburgh, Pa., and New Hampshire Insurance Company (collectively, the “AIG Insurers”), by their undersigned attorneys, will move this Court at the United States Courthouse, 901 Richland Street, Columbia, SC 29201-2328, on a date and time designated by the Court, for an order dismissing the Complaint filed by Tyco Fire Products LP (“Tyco”) in its entirety or staying these proceedings pending resolution of a first-filed and more comprehensive action pending in Wisconsin state court.

PLEASE ALSO TAKE NOTICE that, in accordance with Local Rule of Civil Procedure 7.02, Counsel states that this motion is specifically excluded from Rule 7.02 as it is a Motion to Dismiss. *See* Local Civ. Rule 7.02 (D.S.C.).

PLEASE ALSO TAKE NOTICE that Case Management Order No. 2.A (June 26, 2019) [MDL Dkt. No. 130] does not appear to apply to this proceeding. For the reasons set out in the AIG Insurers’ letter to the Court dated July 25, 2023 [MDL Dkt. No. 3454], it is the AIG Insurers’ understanding that Case Management Order No. 2.A is intended to apply where defendants in the MDL share at least some common interests and thus are represented by the same Co-Lead Counsel. That is not the case with respect to this proceeding, where Co-Lead Counsel is adverse to the AIG Insurers.

Respectfully submitted,

COLLINS & LACY, P.C.

/s/ Christian Stegmaier

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Counsel for the Partial AIG Insurers

July 31, 2023
Columbia, South Carolina.